

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: ZAGURY et al.

Art Unit: 1648

Application No.: 09/763,369

Conf. No. 9905

Examiner: J. S. Parkin

Filed: May 22, 2001

Washington, D.C.

For: METHOD FOR DETERMINING PROGNOSIS OF HIV...

Atty.'s Docket: ZAGURY3A

Date: June 15, 2005

Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Service Window  
Randolph Building, Mail Stop  
401 Dulany Street  
Alexandria, VA 22314

Sir:

Transmitted herewith is a [ Amendment ☒ ] PETITION FOR SUSPENSION OF ACTION UNDER 37 CFR §1.103(a)

in the above-identified application.

☒ Small Entity Status: Applicant(s) claim small entity status. See 37 C.F.R. §1.27.

☒ Petition fee under 1.17(h) required \$130.00.

☐ The fee has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col. 3)	SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS	RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
TOTAL	* 2	MINUS	** 20	0	x 25	\$		x 50	\$
INDEP.	* 1	MINUS	*** 3	0	x 100	\$		x 200	\$
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+ 180	\$		+ 360	\$
					ADDITIONAL FEE TOTAL	\$	OR	TOTAL	\$

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.

\*\*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

☒ Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

☐ It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity

Response Filed Within

☐ First - \$ 60.00

☐ Second - \$ 225.00

☐ Third - \$ 510.00

☐ Fourth - \$ 795.00

Month After Time Period Set

Other Than Small Entity

Response Filed Within

☐ First - \$ 120.00

☐ Second - \$ 450.00

☐ Third - \$ 1020.00

☐ Fourth - \$ 1590.00

Month After Time Period Set

☐ Less fees (\$ ) already paid for month(s) extension of time on

☐ Please charge my Deposit Account No. 02-4035 in the amount of \$

☒ Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$ 130.00.

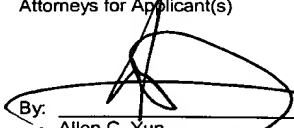
☐ A check in the amount of \$ is attached (check no. ).

☒ The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK, P.L.L.C.

Attorneys for Applicant(s)

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By:   
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: ZAGURY3A

In re Application of:	)	Art Unit: 1648
	)	
ZAGURY et al.	)	Examiner: J. S. Parkin
	)	
Appln. No.: 09/763,369	)	Washington, D.C.
	)	
Date Filed: May 22, 2001	)	Confirmation No. 9905
	)	
For: METHOD FOR DETERMINING	)	June 15, 2005
PROGNOSIS OF HIV...	)	

PETITION FOR SUSPENSION OF ACTION UNDER 37 CFR §1.103(a)

Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Service Window  
Randolph Building, Mail Stop  
401 Dulany Street  
Alexandria, VA 22314

Sir:

Applicants request a suspension of action for cause under 37 CFR §1.103(a). The period of suspension requested is three months.

A reply to the outstanding Office Action of December 16, 2004, is being filed on the same date as this petition. Applicants believe that there is a good and sufficient cause for requesting suspension of action because applicants are trying to comply with the examiner's suggestion at the interview of May 4, 2005, to present the original raw data of Example 1, analyzed and re-packaged to better show the correlation for anti-tat antibody and p24 antigen levels in non-progressor individuals and/or

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01 FC:1464

130.00 DP

Appln. No. 09/763,369  
Amd. dated June 14, 2005  
Reply to Office Action of December 16, 2004

additional new results relating to anti-tat antibody and p24 antigen levels in declaration form for the examiner's consideration.

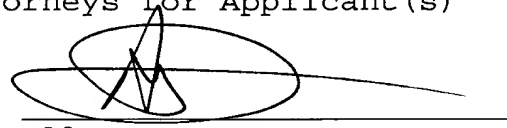
As the interview with the examiner in which such a declaration was discussed took place on May 4, 2005, barely one and a half months ago, applicants request a suspension of action for a period of three months to provide sufficient time to analyze the original or new raw data and to prepare and file an appropriate declaration.

Applicants accordingly petition to suspend action in the present above-identified application for a period of three months. The fee set forth in §1.17(h) is attached hereto.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant(s)

By



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